



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BRIAN M. BERLINER, ESQ.
O'MELVENY & MYERS, LLP
400 SOUTH HOPE STREET
LOS ANGELES, CA 90071-2899

COPY MAILED

MAY 03 2007

OFFICE OF PETITIONS

In re Application of :
Harley Kent Heinrich et al :
Application No. 09/929,461 : DECISION ON PETITION
Filed: August 14, 2001 :
Attorney Docket No. 411951-222 :

This is a decision on the petition under 37 CFR 1.137(b), filed September 5, 2006, to revive the above-identified application.

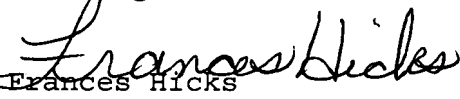
The petition is **GRANTED**.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action mailed December 1, 2005, which set a shortened statutory period for reply of three (3) months. A three (3) month extension of time was obtained under the provisions of 37 CFR 1.136(a). Accordingly, the application became abandoned on June 2, 2006. A Notice of Abandonment was mailed on October 2, 2006, subsequent to the filing of the present petition to revive.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the required reply in the form of a Request for Continued Examination (RCE) and fee of \$790 (the submission required by 37 CFR 1.114 is the previous reply filed on May 30, 2006), (2) the petition fee of \$1,500, and (3) a proper statement of unintentional delay. Accordingly, the failure to timely reply to the Office action of December 1, 2005 is accepted as being unintentionally delayed.

This application is being referred to Technology Center AU 2612 for processing the RCE filed on September 5, 2006 and for appropriate action on the submission under 37 CFR 1.114.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.


Frances Hicks

Petitions Examiner
Office of Petitions